

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

PETROCHEMICAL SERVICES  
INCORPORATED,

Plaintiff,

v.

METROPLEX CORE, INC.,

Defendant.

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CIV NO. 4:08-cv-1567


**MEMORANDUM AND ORDER**

Pending before the Court is Defendant's Motion to Dismiss for Failure to State a Claim, and Alternatively, Motion for a More Definitive Statement. In response, Plaintiff has filed an Amended Complaint, clarifying the critical issues raised by the pending Motion. Defendant subsequently filed an Answer to both the original and the Amended Complaint.

The Court has considered the arguments presented in briefing and the representations made at the hearing of August 7, 2008. The Court finds that Plaintiff's Amended Complaint renders Defendant's Motion, Doc. No. 15, **MOOT**. The Court will not, therefore, dismiss Plaintiffs' claims or require Plaintiff to provide a more definitive statement of its claims.

**IT IS SO ORDERED.**

**SIGNED** this 8<sup>th</sup> day of August, 2008.

  
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KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE